

SECOND REGULAR SESSION

# SENATE BILL NO. 1385

92ND GENERAL ASSEMBLY

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INTRODUCED BY SENATOR SCOTT.

Read 1st time March 1, 2004, and ordered printed.

TERRY L. SPIELER, Secretary.

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## AN ACT

To amend chapter 44, RSMo, by adding thereto four new sections relating to emergency management.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Chapter 44, RSMo, is amended by adding thereto four new sections, to be known as sections 44.135, 44.137, 44.141, and 44.143, to read as follows:

**44.135. Any individual residing in, or business owner operating in the state of Missouri and having any form of insured property in the state of Missouri, shall be assessed a disaster mitigation fee in the amount of one dollar annually per policy. Such fee shall be collected by the insurer and paid monthly to the director of revenue and placed to the credit of the emergency management, preparedness, and assistance trust fund established pursuant to section 44.141. Seniors or persons with disabilities who qualify or may in the future qualify for property tax exemptions and reductions as a result of a homestead exemption program shall be exempt from this fee. Disaster mitigation fees payable to the emergency management, preparedness, and assistance trust fund may not be used to supplant existing funding to the state emergency management agency.**

**44.137. 1. Funds appropriated from the emergency management, preparedness, and assistance trust fund shall be allocated by the state emergency management agency as follows:**

**(1) Sixty percent to implement and administer state and local emergency management programs, including training;**

**(2) Twenty percent to provide for state relief assistance for nonfederally declared disasters for the purpose of assisting disaster victims;**

**(3) Twenty percent for grants to local governments, and private organizations to implement projects that will further state and local emergency management objectives. These projects must include, but need not be limited to,**

projects that will promote community disaster education on disaster preparedness and recovery issues, enhance coordination of relief efforts of statewide private sector organizations, and improve the training and operations capabilities of agencies assigned lead or support responsibilities in the state comprehensive emergency management plan. All of the aforementioned activities must additionally address the needs of special populations. The state emergency management agency shall establish criteria and procedures for allocation of these funds. No more than five percent of any award made pursuant to this subdivision may be used for administrative expenses.

2. The distribution formula provided in subsection 1 of this section may be adjusted proportionally when necessary to meet any matching requirements imposed as a condition of receiving federal disaster relief assistance or planning funds.

3. The state emergency management agency shall allocate funds from the emergency management, preparedness, and assistance trust fund to local emergency management agencies and programs pursuant to criteria specified in rule. Such rules shall include, but are not limited to:

(1) Requiring that, at a minimum, a local emergency management agency have a program director who works at least forty hours a week in that capacity;

(2) Specifying a formula that establishes a base grant allocation and weighted factors for funds to be allocated over the base grant amount;

(3) Specifying match requirements;

(4) Preferential funding to provide incentives to counties and municipalities to participate in mutual aid agreements;

(5) Preferential funding to provide incentives to counties and municipalities to develop outcome based outreach to special needs populations.

4. If adequate funds are available as determined by the state emergency management agency, every county shall receive funds at least sufficient to fund a dedicated, full-time emergency preparedness officer position.

44.141. 1. The state treasurer shall establish and maintain a special trust fund to be administered by the state emergency management agency and to be known as the "Emergency Management, Preparedness, and Assistance Trust Fund", from which the state emergency management agency shall use moneys to carry out the purposes stated in sections 44.135 to 44.143.

2. All moneys received from the disaster mitigation fees authorized by section 44.135, duly authorized and appropriated by the general assembly, all moneys received from federal funds, gifts, bequests, donations, any other moneys so designated, and all interest earned on and income generated from moneys in the

account shall immediately be paid to and deposited in the emergency management, preparedness, and assistance trust fund.

3. The full balance, or any portion thereof, of the emergency management, preparedness, and assistance trust fund shall be available to be used by the state emergency management agency to carry out sections 8.1100 to 8.1150, RSMo, subject to appropriation.

4. Except as otherwise provided in sections 44.135 to 44.143, the provisions of section 33.080, RSMo, requiring the transfer of unexpended funds to the ordinary revenue funds of the state shall not apply to funds in the emergency management, preparedness, and assistance trust fund.

44.143. The provisions of sections 23.250 to 23.298, RSMo, shall not apply to the provisions of sections 44.135 to 44.143.

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